

REMARKS

Claims 1, 3 – 11, 14 – 18, 20 – 21, 23 – 26, and 28 – 29 have all been rejected under 35 USC § 102(b) as allegedly being anticipated by *Tisma*. The Official Action asserts that *Tisma* discloses a system and method for packaging products that purportedly meets all the claim limitations. In addition, claims 2 and 19 have been rejected under 35 USC § 103(a) as allegedly being unpatentable over *Tisma* in view of *Petry, et al.* on the basis that while *Tisma* fails to disclose a funnel conveyor, *Petry, et al.* purportedly discloses a funnel conveyor (7, Fig. 1) between two conveyors to guide a product into the open end of the box. Thus, the Official Action concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a funnel conveyor as taught by *Petry, et al.* in the system and method for packaging products of *Tisma*. Claims 12, 13, 22 and 27 have been objected to as being dependant upon rejected base claims, but are stated to be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. Applicants respectfully request reconsideration of the present rejections.

Claims 1 and 3 – 11, as now pending, recite a system for packing products, including a series of carriers adapted to receive at least one product therein, and an inserter unit that receives and moves the carriers in spaced series along a path for packaging. The inserter unit includes a series of inserter assemblies for urging the products out of the carriers and into a series of cartons being transported by a carton transport conveyor in timed relationship with the movement of the carries along their path of travel. A funnel conveyor between the inserter unit and carton transport conveyor includes a series of funnels for guiding groups of the products into the cartons of the carton transport conveyor. Such a system is not believed to be taught by the cited art of

record. As noted in the Official Action, *Tisma* fails to disclose the use of a funnel conveyor and therefore fails to anticipate claims 1 and 3 – 11 as now pending. Applicants further submit that such a construction/system is not obvious or unpatentable over the combination of *Tisma* in view of *Petry, et al.* as there is no suggestion or teaching, either express or implied in either *Tisma* or *Petry, et al.* to try to combine the teachings of *Petry, et al.* with the system of *Tisma* to try to form the claimed invention.

In the Official Action, it is stated that it would have been obvious to one having skill in the art to provide a funnel conveyor as taught by *Petry, et al.* in the system of *Tisma* to guide products into the open end of a box. However, as indicated in Fig. 4 of *Tisma*, *Tisma* has no need for a funnel conveyor as the mandrels of *Tisma* themselves appear to be specifically configured with horizontally oriented flaps or lips 14f that extend outwardly from side rails 14e (see col. 4, ll. 19 – 28; Figs. 3 and 3A); and which mandrels appear to move toward and away from the cartons 18, as indicated in Fig. 4. As a result, it does not appear that a funnel conveyor such as taught by the claimed invention could be positioned between the cartons of the carton conveyor of *Tisma* and its mandrels 14 as this would interfere with the movement of the mandrels toward and away from the cartons. Accordingly, to try to combine the teachings of *Petry, et al.* with *Tisma* to try to form the claimed invention would require a substantial reconstruction of the system of *Tisma*, which is not needed or suggested by *Tisma*.

It therefore is respectfully submitted that there is no suggestion, either express or implied, in either *Petry, et al.* or *Tisma* to try to combine their teachings to try to form the claimed invention. Accordingly, it is respectfully submitted that claims 1 and 3 – 11 are not anticipated

or made obvious by, and therefore are patentable, over the cited art of record, either alone or in combination.

Claim 12 has now been rewritten in independent form as suggested in the Official Action, so as to now place claims 12 and 13 in condition for allowance. Further, claim 14 has now been amended to include the limitations of claim 21 and objected to claim 22, which have now been canceled. Likewise, claim 24 has been amended to include the language of objected to claim 27, which has now been canceled. It is therefore respectfully submitted that claims 14 – 20, 23 – 26, and 28 – 29 are in condition for allowance over the cited art of record.

In summary, pending claims 1, 3 – 20, 23 – 26, and 28 – 29 define a system and method for packaging products in cartons, which provides a distinct advance in the art, but is not taught or suggested by the prior art of record, either alone or in combination. An early notice of allowance accordingly is solicited.

Should the Examiner have any questions regarding this response, he is invited and urged to telephone the undersigned attorney.

7/19/04
Date

Customer Number 26158
Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
(404) 962-7527 (Telephone)
(404) 870-8177 (Facsimile)

Respectfully submitted,



D. Scott Sudderth
Reg. No. 34, 026
James F. Vaughan
Reg. No. 31, 889
Steve M. Mclary
Reg. No. 26,203
Barry D. Biddle
Reg. No. 44,033